THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.14885 of 2007

Date: 13.07.2007

Between:

Shyam Sunder Agarwal.

....Petitioner

And

The Govt. of A.P., rep. By its Secretary to Govt. in Revenue Department, Secretariat Building, Saifabad, Hyderabad and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.14885 of 2007

O R D E R:

Petitioner states that he executed a gift deed in favour of his wife on 06.06.2007 in respect of plot No.9 in Survey No.5/3 of Panmaqtha Village, Serilingampallhy Mandal, Ranga Reddy District, admeasuring 250 square yards, and presented it for registration, before the 5th respondent. His grievance is that the 5th respondent is refusing to receive the document, on the ground that L.G.C.No.13 of 2004 is pending before the Special Court under the A.P. Land Grabbing (Prohibition) Act, Hyderabad. He challenges the action of the 5th respondent.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The power of a Registrar under the Registration Act, 1908 (for short 'the Act'), to refuse receipt or registration of any document, is limited to the circumstances mentioned

therein. He cannot undertake any enquiry into the entitlement or otherwise of the parties to the document. Section 22-A of the Act, which enabled the Government to prohibit registration of transactions in respect of the properties mentioned in the notifications issued thereunder, was set aside by this Court, and a new provision was added through Act 19 of 2007. Even under this provision, registration cannot be refused on the ground, stated by the 5th respondent.

The mere pendency of civil suit or other similar proceedings in respect of any property cannot constitute any basis for the Registrar to refuse receipt or registration of documents, unless the concerned Forum has passed orders of injunction.

In the instant case, it is no doubt true that the property, in question, is the subject matter of L.G.C.No.13 of 2004. The petitioner is not a party to the said proceedings. Further, I.A.No.353 of 2004 filed by the Government, seeking a direction to the respondents therein not to alienate the schedule property, was disposed of by the Special Court on 27.12.2004, directing that any alienations of the schedule property shall be subject to the result of the L.G.C. Viewed from any angle, there does not exist any basis for the 5th respondent, to

refuse receipt and registration of the document presented by the petitioner.

Hence, the Writ Petition is disposed of, directing the 5th respondent to receive the document presented by the petitioner and process the same, in accordance with law, notwithstanding the pendency of L.G.C.No.13 of 2004. There shall be no order as to costs.

_____

13.07.2007

GJ